MINUTES FOR THE CITY COUNCIL BUSINESS MEETING
COUNCIL CHAMBERS
THURSDAY, October 5, 2017
7:00 P.M.

There was a pre-meeting of the City Council at 6:30 p.m. in Conference Room A.


PRESENTATION: Mike Duguay, Executive Director of the Harold Alfond Institute for Business Innovation at Thomas College.

PRESENTATION: Historic Building Plaque to Joseph O’Donnell, owner of the Hallett-Finnegan House, circa 1836, located at 10 Summer Street, by Dan Stevens, Vice Chair of the Historic Preservation Commission.

PRESENTATION: Historic Building Plaque to Susan and Bruce Williams, owners William E. Gage House, circa 1895, located at 104 Winthrop Street, by Dan Stevens, Vice Chair of the Historic Preservation Commission.

PUBLIC HEARING: Inn at City Hall Rehabilitation Affordable Housing Tax Increment Financing (TIF) District.

PUBLIC HEARING: Discontinuance of a Portion of Wade Street.

PUBLIC COMMENTS ON ITEM LISTED ON THE AGENDA:

CONSENT AGENDA:

17-157 City Manager (Bureau of City Clerk)
BE IT ORDERED, that the minutes of the Regular City Council Meeting held September 21, 2017 submitted by the City Clerk’s office be approved.

17-158 City Manager (Bureau of Audit Accounts)
BE IT ORDERED, that the Roll of Accounts for the month of September, 2017 in the amount of $7,537,975.88 be approved.

17-159 Mayor
BE IT ORDERED, that Thomas R. Johnson be reappointed to the Parking District, said term to expire October 19, 2022.

17-160 Mayor and Council
BE IT ORDERED, that the City Council adopt the General Assistance maximum levels in accordance with Title 22 M.R.S.A. Section 4305 (3-B).

Minutes 10/05/2017
17-161 City Manager
BE IT ORDERED, that the City Manager is authorized to accept grant funding in the amount not to exceed $16,538.86 from the Healthy Communities of the Capital Area for underage drinking prevention, no local matching funds required.

Motion for passage of the Consent Agenda 17-157 through 17-161
By: Grant Second by: Blodgett
Yeas: 8
Nays: 0

OLD BUSINESS AND TABLED MATTERS:
SECOND READING (Ordinances)

17-155 Mayor and Council
BE IT ORDAINED, By the City Council of the City of Augusta, as follows:

That Article 1: §190-14 Pawnbrokers, of the Revised Code of Ordinances 1990, as amended, be further amended by deleting the following:

Motion to suspend further reading of 17-155
By: Wilson Second by: Elliott
Yeas: 8
Nays: 0

Section 190-14—Pawnbrokers:
(a) The City Clerk may grant licenses to persons of good moral character to be pawnbrokers for one (1) year unless sooner revoked for violation of law.
(b) The annual license fee for pawnbrokers shall be set from time to time and a schedule of such fee is on file in the City Clerk's office.
(c) Whoever carries on such business without a license shall be punished in accordance with 30-A M.R.S.A. § 3961.
(Code 1970, § 12-4; Ord. No. 79, 5-3-99)

That Article 1: §190-14 Pawnbrokers, of the Revised Code of Ordinances 1990, as amended, be further amended by adding the following:

Section 190-14 Pawnbrokers and Secondhand Dealers

1. Definitions

CONSUMER means a person who pledges or otherwise delivers personal property to a Pawnbroker.

PAWNbroker means any person engaged in the business of lending money on the security of pledged tangible personal property that is delivered to the pawnbroker and held by the pawnbroker.
The term also includes the purchase of tangible personal property on the condition that it may be repurchased by the seller for a fixed price within a fixed period of time.

SECONDHAND DEALER means any person who regularly engages in the purchase, collection, transfer or storage for later resale, or who engages in selling, any article, vehicle or material, or portion thereof, of which prior use has been made in a manner whatsoever. The term “secondhand dealer” shall not be construed to include pawnbrokers, junk collectors, or “dealer” as defined by 29-A M.R.S.A. § 851; nor shall it include any person primarily engaged in the retail sale of new and unused goods, or who only purchases goods in bulk such as at estate, court or government issued sales.

2. License

A. No person shall conduct business as a pawnbroker or secondhand dealer without first obtaining a license pursuant to the following provisions:

1. The City Clerk shall issue a license to conduct business as a pawnbroker or secondhand dealer to any person over the age of 21 who demonstrates that he or she:
   a. Has no record of criminal convictions for crimes of moral turpitude, dishonesty, theft, dealing of stolen goods, or fraud; and
   b. Has not been adjudged by a court to have violated this Ordinance, other than the licensure requirement, in the three years preceding the date of application.

2. A license shall be obtained by the owner or duly authorized agent of the premises where the business is to be located (“licensed business location”) by submitting a completed application to the City Clerk’s office upon forms provided for such purposes.

3. The annual license fee shall be set from time to time and a schedule of such fee is on file in the City Clerk’s office.

4. Whoever carries on business as a pawnbroker or secondhand dealer without a license shall be punished in accordance with 30-A M.R.S.A. § 3961.

B. Any license issued pursuant to this provision shall be valid for one year only.

3. Pawnbrokers - Account of business done and disclosure to consumer

A. Account kept. Every pawnbroker shall maintain records in which a pawnbroker shall enter:

1. The date, duration, amount, periodic rate of interest and annual percentage rate of every loan that is made;

2. The finance charge, due dates for payment and the total payment needed to redeem or repurchase the pawned property;
3. The terms of redemption or repurchase, including any reduction in the finance charge for early redemption or repurchase and the right of the consumer to at least one extension of 31 days at the same rate of interest upon request in writing or in person; and

4. An accurate description of all articles received, including any readily identifiable serial number or similar registration number, or any other personalized identifying characteristic marking having been uniquely applied. Digital photographs shall be kept of any article that has distinguishing features but no serial or registration number;

5. The name, residence and date of birth of the consumer, together with the correct and exact time when such articles were received in trade or purchased. Before recording the information required by this section, a dealer shall require a reasonable identification from the consumer in the form of a motor vehicle operator’s license, military identification card, state-issued identification card or similar item which confirms the person’s identification by date of birth and by physical description; and

6. The name and residence of the buyer, together with the correct and exact time when such articles were given in trade or sold.

B. Delivery to consumer: At the time of the pawn transaction, the pawnbroker shall deliver to the consumer a signed, written disclosure complying with the truth-in-lending provisions of the Maine Consumer Credit Code, 9-A M.R.S.A § 8-A containing the items required by subsection A of this section and the name and address of the pawnbroker.

4. Secondhand dealers - Required recordkeeping

A. Applicability. The requirements of this Section shall apply to the following types of items:

   a. Video game systems
   b. Televisions
   c. Digital photography and video equipment
   d. Mobile phones
   e. GPS devices
   f. Computer equipment, tablets and peripherals
   g. Power tools
   h. Firearms
   i. Jewelry

This Section shall not apply to goods of any type valued at or below $50.00, provided the total value of secondhand goods sold by the seller to the dealer within a thirty (30) day period does not exceed $150.00.

B. Required records. A secondhand dealer shall make out, and have available for periodic collection, a legible and correct list containing:
1. An accurate description of all articles purchased, including any readily identifiable serial number or similar registration number, or any other personalized identifying characteristic marking having been uniquely applied. Digital photographs shall be kept of any article that has distinguishing features but no serial or registration number;

2. The name, residence and date of birth of the seller, together with the correct and exact time when such articles were purchased, and the purchase price paid for the item. Before recording the information required by this section, a dealer shall require a reasonable written proof of the seller’s identification in the form of a motor vehicle operator’s license, military identification card, state-issued identification card or similar item which confirms the person’s identification by date of birth and by physical description; and

3. The name and residence of the buyer, together with the correct and exact time when such articles were given in trade or sold.

5. Record retention and reporting.

A. All records required by this Ordinance to be kept by pawnbrokers or secondhand dealers may be retained in paper or electronic form. Records shall be maintained no less than two (2) years.

B. Inspection: The pawnbroker or secondhand dealer shall allow the City or any law enforcement agency to inspect the records at all reasonable times.

6. Retention of articles.

A. Articles received or purchased by a pawnbroker or secondhand dealer shall be retained by such pawnbroker or dealer in the same condition in which they were obtained and in an accessible place at the licensed business location where such articles can be examined and inspected. Articles shall be held for at least 15 days before they are disposed of. This paragraph does not apply to secondhand dealers with respect to any item that is described as exempt under Section 4.A.

B. No pawnbroker or secondhand dealer shall sell, destroy or alter any property received or purchased until it has remained in his possession for the duration of time as required by this article or by applicable state law.

7. Receiving Articles from minors, thieves.

No one licensed pursuant to this ordinance shall purchase or receive any article from any person under the age of 18 years without the written consent of such person’s parent or guardian; from any person known by the licensee to be a thief or to have engaged in the receiving of stolen property; or from any person who the licensee has reason to believe to be a thief or receiver of stolen property.

8. Fixed Establishment
Any person or business meeting the definition of pawnbroker or secondhand dealer shall have a fixed principal establishment in the city.

9. Violation

This ordinance may be enforced by any law enforcement agency. Violation of any section of this ordinance shall be considered a civil violation in accordance with 17-A M.R.S.A. § 4-B and shall subject the offender to a civil penalty in the amount of $100 to $2,500 per offense, an injunctive order, payment of the City’s legal fees and costs, and any other penalty available by law. The City Council may, if it determines that a pawnbroker or secondhand dealer has violated this ordinance, revoke the pawnbroker’s or secondhand dealer’s license, after notice and hearing. The requirements and penalties provided for by this ordinance are in addition to and do not limit or supersede any other requirements or penalties provided for by state or federal law.

Motion for passage of order 17-155
By: Wilson Second by: Alexander
Yeas: 8
Nays: 0

17-156 Mayor Rollins and Councilors Alexander, Blodgett, Conti, Day, Grant, and Wilson

WHEREAS, City Council finds that the establishment of a local historic district in the West Side Neighborhood has been discussed in public forums by the City Council, Planning Board, and Augusta Historic District Review Board in great detail since 2008; and,

WHEREAS, the City Council finds that the establishment of a historic district has been shown by national studies to be beneficial to property values within historic districts.

NOW THEREFORE, BE IT ORDAINED, that the City Council adopts as a new historic overlay zoning district, the boundaries shown on the map entitled “Proposed Local Historic Districts”, dated September 18, 2017, to be added to the existing boundaries of that overlay district. All boundaries are to be combined onto a single map entitled Historic Districts.

Motion for passage of order 17-156
By: Conti Second by: Blodgett
Yeas: 8
Nays: 0

NEW BUSINESS PART 1

17-162 City Manager

WHEREAS, on August 23, 2000 the City of Augusta (the “City”) was authorized by the State of Maine Department of Economic and Community Development to establish the City Hall Limited Partnership (“Old City Hall”) Municipal Development Tax Increment Financing District (the “District”) for a period of twenty years; and

WHEREAS, the City of Augusta did not enter into a credit enhancement agreement with the City Hall Limited Partnership, or retain revenue from the District; and
WHEREAS, the City of Augusta seeks to establish a subsequent development district (the “New District”);

NOW THEREFORE BE IT ORDERED, that the City Hall Limited Partnership (“Old City Hall”) Municipal Development Tax Increment Financing District of 2000 hereby be dissolved.

Motion for passage of order 17-162
By: O’Brien Second by: Day
Yeas: 8
Nays: 0

17-163 Mayor Rollins and Councilors Blodgett, Conti, Day, Elliott, Grant, O’Brien and Wilson
WHEREAS, the City of Augusta (the “City”) is authorized pursuant to Chapter 206 of Title 30 A §5250-A of the Maine Revised Statutes, as amended, to designate a specific location within the City as the “Inn at City Hall Rehabilitation Affordable Housing Tax Increment Financing (TIF) District” (the “District”) and to adopt a Development Program for the District (the “Development Program”); and

Motion to suspend further reading of 17-163
By: Wilson Second by: Elliott
Yeas: 8
Nays: 0

WHEREAS, there is a need to maintain, improve and expand affordable age-restricted housing in the City of Augusta; and

WHEREAS, there is a need to preserve and protect the historic Old City Hall building for the citizens of the City of Augusta and the surrounding region; to improve and broaden the tax base of the City of Augusta and the State of Maine; and

WHEREAS, implementation of the Development Program will help to facilitate additional investment in the City of Augusta; improve and broaden the tax base in the City of Augusta and improve the economy of the City of Augusta and the State of Maine; and

WHEREAS, the City desires to designate the Inn at City Hall Rehabilitation Affordable Housing Tax Increment Financing (TIF) District, and to adopt a Development Program for the District; and

WHEREAS, it is expected that approval will be obtained from the Maine State Housing Authority (the “Housing Authority”), approving the designation of the District and the adoption of the Development Program for the District.

NOW THEREFORE BE IT ORDERED, that the Inn at City Hall Rehabilitation Affordable Housing Tax Increment Financing (TIF) District, be approved and that the City Manager is authorized to sign a Credit Enhancement Agreement with the developer consistent with the Development Program adopted herein.

Minutes 10/05/2017
Motion for passage of order 17-163
By: Elliott Second by: Conti
Yea: 7
Nay: 0
Abstain: 1 - Councilor Alexander

17-164 Mayor and Council
BE IT ORDERED (1) that an Order of Discontinuance regarding a portion of Wade Street be filed with the City Clerk pursuant to 23 M.R.S.A. § 3026-A; and (2) that the City Manager is authorized to enter an agreement with FDS State of Maine, LLC, Augusta Plaza Associates, LLC and the United States of America to ensure that if approved, the discontinuance will not be recorded or be effective unless and until FDS State of Maine, LLC closes on its purchase of the properties abutting the portion of road to be discontinued, and all relevant parties have waived damages related to the discontinuance. The Order of Discontinuance is as follows:

Motion to suspend further reading of 17-164
By: Wilson Second by: Grant
Yea: 8
Nay: 0

Order of Discontinuance
A Portion of Wade Street

BE IT ORDERED, THAT a portion of Wade Street, described as below, be discontinued as a town way, with no public easement retained.

A portion of a public way known as Wade Street, which was acquired by action of the City Board of Aldermen taken May 15, 1922 (see City records at Vol. 18, Page 95) and August 21, 1922 (see City records at Vol. 18, Page 105), being the entire portion of said public way which is located west of Sewall Street and which terminates at the easterly boundary of property described in a deed to the State of Maine recorded in the Kennebec County Registry of Deeds at Book 1786, Page 239, and shown on the City’s tax maps as Map 27, Lot 226.

No public easement shall be retained. A public utility easement shall be retained for the benefit of the Greater Augusta Utility District across the discontinued road, as set forth in 23 M.R.S.A. § 3026-A(6).

Having given best practicable notice to all abutting property owners, the City Council hereby orders the above discontinuance. The abutting property owners, described below, have each waived damages pursuant to a separately executed agreement with the City of Augusta dated October 5, 2017.

<table>
<thead>
<tr>
<th>Owner</th>
<th>Address of Abutting Property</th>
<th>City of Augusta Tax Map / Lot</th>
</tr>
</thead>
<tbody>
<tr>
<td>FDS State of Maine, LLC as successor to State of Maine</td>
<td>Wade Street</td>
<td>Map 27, Lot 233</td>
</tr>
<tr>
<td>FDS State of Maine, LLC as</td>
<td>96 Sewall Street</td>
<td>Map 27, Lot 229</td>
</tr>
</tbody>
</table>
successor to Maine Public Employees Retirement System

<table>
<thead>
<tr>
<th>FDS State of Maine, LLC as successor to Maine Public Employees Retirement System</th>
<th>84 Sewall Street</th>
<th>Map 27, Lot 235</th>
</tr>
</thead>
<tbody>
<tr>
<td>FDS State of Maine, LLC as successor to Maine Public Employees Retirement System</td>
<td>25 Wade Street</td>
<td>Map 27, Lot 235A</td>
</tr>
<tr>
<td>FDS State of Maine, LLC as successor to State of Maine</td>
<td>109 Capitol Street</td>
<td>Map 27, Lot 226</td>
</tr>
<tr>
<td>Augusta Plaza Associates, LLC</td>
<td>48/56/60 Western Avenue</td>
<td>Map 27, Lot 195</td>
</tr>
</tbody>
</table>

No Certificate of Discontinuance shall be recorded, and this discontinuance shall not be effective unless and until FDS State of Maine, LLC shall become record title holder of the properties so indicated above.

So ordered this 5th day of October, 2017.

Motion for passage of order 17-164
By: Elliott Second by: Blodgett
Yeas: 8
Nays: 0

NEW BUSINESS

PART 2 – ORDINANCES - FIRST READING

NO VOTE REQUIRED

COMMUNICATIONS
Committee Reports
City Manager’s Report

Motion to adjourn at 7:53 p.m.
By: Alexander Second by: O’Brien
Yeas: 8
Nays: 0

Respectfully submitted,
Roberta L. Fogg, City Clerk